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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,584	11/14/2003	John Williams		2003
7590	09/09/2005		EXAMINER	
Law Offices of Adam H. Jacobs Suite 726 1904 Farnam Street Omaha, NE 68102			HUYNH, CHUCK	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/713,584	WILLIAMS, JOHN
	Examiner Chuck Huynh	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 November 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 2, 5, 7, 10, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, 7, 12 applicant claiming wherein said secondary central communications facility is generally impervious to externally-based operational disruptions to facilitate generally uninterrupted emergency communications with local exchange carrier facilities and emergency response units thereby generally ensuring uninterrupted emergency response to emergency situations which have disabled a public safety answering point. The broadness of the claim is indefinite to what the applicant is trying to claim, for example, what situation is the facility "generally impervious to external-based operational disruption." It can be broadly interpreted as a weather effect of rain outside of the facility, and it is well known to one ordinarily skilled in the art that rain outside does not "generally" affect the facility inside because of structural sheltering building.

Regarding claim 5, 10, applicant claiming the combination of claim 1 wherein said at least one operator is at least one highly trained individual. The indefinite language

usage of "highly trained" is unclear. Examiner interprets the claim language as to claim an operator who is capable to operate the system, which is disclosed by Antonucci (Col 3, line 3; Col 5, line 30, 51).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Antonucci et al (hereinafter Antonucci).

In combination:

at least one public safety answering point operative to receive emergency communications from least one local exchange carrier facility and dispatch emergency response units (Col, lines 64-66) response receipt of said emergency communications (Col 9, line 56 - Col 10, line 14; Col 11, lines 20-53; Col 12, lines 1-9); and

an emergency backup communications system for facilitating emergency responses the event of loss of communication and/or inoperability of said at least one local public safety answering point, said emergency backup communications system including (Col 11, lines 23-29) (ESC1 and ESC2 are functionally similar but essentially independent and are backup to one another);

a secondary central communications facility (ESC2) generally independent and generally secure information transmission connection with said at least one local exchange carrier facility (Col 12, lines 3-5; Fig. 2);

automated location identification interface means operative to receive and facilitate information reception from an automated location identification (ALI) system associated with said at least one local exchange carrier facility (Col 12, lines 10-25; Fig. 2);

computer aided dispatch interface means operative to receive and facilitate information reception from computer aided dispatch (CAD) system associated with said at least one local exchange carrier facility (Col 8, lines 28-42; Col 13, lines 45-46, 55-63);

at least one operator in said secondary central communications facility operative to receive incoming emergency communications and screen said incoming emergency communications for location and response information (Col 12, lines 10-59; Col 13, lines 44-47, 15-17, 26-33);

dispatch means in said secondary central communications facility operative to interpret said information received via said incoming emergency communications, said automated location identification interface means and said computer aided dispatch interface means and transmit dispatch information including said location and response information to emergency response units for response to incoming emergency communications (done at the PSAP1) from said at least one local exchange carrier facility (Col 8, lines 28-42; Col 13, lines 45-46, 55-63; Fig. 2).

Regarding claim 3, Antonucci discloses the combination of claim 1 wherein said automated location identification interface means (Col 5, lines 43-45; Col 12, lines 10-25) and said computer aided dispatch interface means (Col 8, line 33) each include programmable computing means operative to receive emergency communications data from an automated location identification (ALI) system and a computer aided dispatch (CAD) system associated with said at least one local exchange carrier facility and identify and interpret the incoming emergency communications data and output recognizable location and response information independent of the specific automated location identification (ALI) system and a computer aided dispatch (CAD) system (at the PSAP) from which said emergency communications data is received (Col 13, lines 5-25, 58-59).

Regarding claim 4, Antonucci discloses the combination of claim 1 further comprising communications means operative to interface with both military and civil communications systems to facilitate inter-organizational communications thereby acting as a macrosystem (Col 13, lines 12-25, 52, -54, 64-67).

Regarding claim 5, and 10, applicant claiming wherein said at least one operator is at least one highly trained individual. Examiner interprets the claim language as to claim an operator who is capable to operate the system, which is disclosed by Antonucci (Col 3, line 3; Col 5, line 30, 51).

Regarding claim 6, Antonucci discloses the combination of claim 1 wherein said generally independent and generally secure information transmission connection between said at least one local exchange carrier facility and said secondary central communications facility is selected from the group comprising landline, fiber optic, microwave, radio communications, satellite communications and cable (Col 10, line 35; Col 11, lines 20-45; Col 13, lines 3-4).

Regarding claim 7, An emergency backup communications system (Col 8, lines 28-43) for facilitating emergency responses in the event of loss of communication and/or inoperability of a public safety answering point, said emergency backup communications system (Col 11, lines 23-29) (ESC1 and ESC2 are functionally similar but essentially independent and are backup to one another) comprising:

a secondary central communications facility (ESC2) in generally independent and generally secure information transmission connection with a local exchange carrier facility (Col 12, lines 3-5; Fig. 2);

automated location identification interface means operative to receive and facilitate information reception from an automated location identification (ALI ) system associated with a local exchange carrier facility (Col 12, lines 10-25; Fig. 2);

computer aided dispatch interface means operative to receive and facilitate information reception from a computer aided , dispatch (CAD) system associated with a local exchange carrier facility (Col 8, lines 28-42; Col 13, lines 45-46, 55-63);

at least one operator in said secondary central communications facility operative to receive incoming emergency communications and screen said incoming emergency communications for location and response information (Col 12, lines 10-59; Col 13, lines 44-47, 15-17, 26-33);

dispatch means in said secondary central communications facility operative to interpret said information received via said incoming emergency communications, said automated location identification interface means and said computer aided dispatch interface means and transmit dispatch information including location and situation information to emergency response units for response to incoming emergency communications (done at PSAP1) from a local exchange carrier facility (Col 8, lines 28-42; Col 13, lines 45-46, 55-63; Fig. 2); and  
said secondary central communications facility being generally impervious to externally-based operational disruptions (Col 8, lines 28-43) to facilitate generally uninterrupted

emergency communications with local exchange carrier facilities and emergency response units thereby generally ensuring uninterrupted emergency response to emergency situations which have disabled a public safety answering point . The broadness of this specific limitation makes the claim indefinite to what the applicant is trying to claim, for example, what situation is the facility "generally impervious to external-based operational disruption." It can be broadly interpreted as a weather effect of rain outside of the facility, and it is well known to one ordinarily skilled in the art that rain outside does not "generally" affect the facility inside because of structural sheltering building.

Regarding claim 8, Antonucci discloses the emergency backup communications system of claim 7 wherein said automated location identification interface means (Col 5, lines 43-45; Col 12, lines 10-25) and said computer aided dispatch interface means (Col 8, line 33) each include programmable computing means operative to receive emergency communications data from an automated location identification (ALI) system and a computer aided dispatch (CAD) system associated with said at least one local exchange carrier facility and identify and interpret the incoming emergency communications data and output recognizable location and response information independent of the specific automated location identification (ALI) system and a computer aided dispatch (CAD) system (at the PSAP) from which said emergency communications data is received (Col 13, lines 5-25, 58-59) (Fig. 2).

Regarding claim 9, Antonucci discloses the emergency backup system of claim 7 further comprising communications means operative to interface with both military and civil communications systems to facilitate inter-organizational communications thereby acting as a macrosystem (Col 13, lines 12-25, 52, -54, 64-67).

Regarding claim 11, Antonucci discloses the emergency backup communications system of claim 7 wherein said generally independent and generally secure information transmission connection between said at least one local exchange carrier facility and said secondary central communications facility is selected from the group comprising landline, fiber optic, microwave, radio communications, satellite communications and cable (Col 10, line 35; Col 11, lines 20-45; Col 13, lines 3-4).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonucci in view of Koster et al (hereinafter Koster).

Regarding claim 12, Antonucci discloses a method of providing an emergency backup communications system (Col 8, lines 28-43) for facilitating emergency responses in the event of the non-functionality of a public safety answering point, said method comprising the steps:

providing an automated location identification interface means operative to receive and facilitate information reception from an automated location identification (ALI ) system associated with a local exchange carrier facility (Col 12, lines 10-25; Fig. 2);

providing a computer aided dispatch interface means operative to receive and facilitate information reception from a computer aided dispatch (CAD) system associated with a local exchange carrier facility (Col 8, lines 28-42; Col 13, lines 45-46, 55-63);

substituting said secondary central communications facility (ESC2 or another backup system is also disclosed) and said generally independent and generally secure information transmission connection for the nonfunctional public safety answering point (Col 11, lines 20-29; Fig. 2)(Col 15, lines 47-54);

receiving incoming emergency communications via said generally independent and generally secure information transmission connection within said secondary central communications facility from a local exchange carrier facility (Col 16, lines 20-50);

screening said incoming emergency communications for location and

response information (Col 15, lines 55-64; Col 16, lines 20-30; Col 13, lines 44-49);

interpreting said location and response information via said incoming emergency communications, said automated location identification interface means and said computer aided dispatch interface means such that the location and response for the emergency situation is determined (Col 16, lines 20-57); and

transmitting dispatch information including said location and response information to emergency response units for response to incoming emergency communications from a local exchange carrier facility (Col 16, lines 20-57);

Antonucci discloses all the particulars of the claim but determining that the public safety answering point is nonfunctional, which can be viewed as well known due to the fact that Antonucci discloses back up systems (Col 1, line 28; Col 15, lines 47-50);

however, examiner also provides another art that does clearly disclose determining that the public safety answering point is nonfunctional (Koster; Abstract; Col 11, lines 46-50);

it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Koster's disclosure to provide a back communication PSAP;

providing a secondary central communications facility in generally independent and generally secure information transmission connection with a local exchange carrier facility, said secondary central communications facility being generally impervious to externally-based operational disruptions (Col 8, lines 28-43) to facilitate generally

uninterruptible emergency communications with local exchange carrier facilities and emergency response units; the broadness of this specific limitation makes the claim indefinite to what the applicant is trying to claim, for example, what situation is the facility "generally impervious to external-based operational disruption." It can be broadly interpreted as a weather effect of rain outside of the facility, and it is well known to one ordinarily skilled in the art that rain outside does not "generally" affect the facility inside because of structural sheltering building.

***Conclusion***

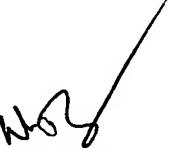
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to Reference Cited Form-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Huynh



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